REMARKS

§ 112 Rejection

The Examiner rejected claim 3 for reciting "IEEE 802.11", arguing that the term is indefinite. A similar term is found in claim 8. Applicants have revised the phrase to read "a transceiver compliant with an IEEE 802.11 standard." Applicants have searched the PTO web site and can find 155 (one hundred fifty five) issued US patents which include the term "IEEE 802.11" in the claims. Apparently, the Patent Office does not consider such a claim vague and indefinite. (See e.g., US Patent 6,980,175 assigned to IBM, issued December 27, 2005, claim 7, reciting "wherein said wireless communications protocol includes an IEEE 802.11 communications standard.") Moreover, the phrase "a transceiver compliant with an IEEE 802.11 standard" would cover any version of such standard. The Examiner is urged to reconsider and withdraw the rejection.

§ 103 Rejection of claims 1-3, 5-8 and 10

Claims 1-3, 5-8 and 10 were rejected as obvious over Knauerhase (US 6,941,146) in view of Girard (US 2002/0132635). The Examiner is urged to withdraw the rejection.

Claim 1 recites a wireless telephone which includes first and second transceivers. The user indicates which transceiver they wish to use (e.g., Bluetooth or CDMA) depending on a dialing string they enter. For example, if they enter # 2959482 they may indicate by the # key that they wish to use Bluetooth, whereas if they enter *2948372 the * key indicates they wish to use CDMA. Claim 1 specifically references that the wireless telephone includes "a memory storing software comprising a set of instructions for

responsively selecting said first transceiver or said second transceiver for said call *depending on the contents of said dialing string."* [1]

Knauerhase et al. is concerned with creating of a global connectivity map that basically determines which type of wireless connectivity options are available to a wireless device over a given geographic area. A wireless device user selects a transceiver, determines whether connectivity is present, and reports the result of the test to a central map server. See Abstract; col. 2 lines 19-43. The reference does not specify how the transceiver is selected; as the Examiner concedes it does not indicate that a dialing string is used to select the transceiver. Furthermore, selection by dialing string would make no sense in Knauerhase et al. since the reference is directed to a testing procedure (recording test data and sending to the map server), not actually calling another party using one or the other transceivers.

The Girard et al. phone does apparently support multiple transmission modes, but the selection of the transmission mode is not achieved through the use of a dialing string as claimed. *Rather, it is via pressing of hard keys (buttons) on the phone, not by means of a dialing string*. In particular, the Girard et al. phone selects the transceiver to use by pressing one of the push to talk button (PTT) for a talk group or dispatch call; the off-hook button when they wish to make a plain old phone call; and a dedicated chat button or soft key for chat text messaging. See page 2 paragraphs 13-19. As shown in Figure 1 of Girard, the reference distinguishes between the dialing string (123XYZ #*)(referred to as the "alias" or name of the party that is being called) and the buttons that are invoked to

[1] The term "dialing string" in the present claims (and in the art of record) refers to a sequence of alphanumeric characters plus optionally * or # that are entered via a key pad, or in some other fashion such as by voice, and which appear on the display, in order to dial another party.

select the mode of transmission – push to talk button 108, off-hook "send" button 110, and soft key for chat 104, 106. See paragraph 13; see also claims 3, 5, 8, 10.

As Figure 1 of Girard and the associated text at paragraphs 12-13 make clear, the entry of the alias (dialing string) *is a separate act* from selection of the transmission mode:

> The first step (304) is taken by the user, and is selecting an alias record from the memory, or entering a calling number or calling string. The device shows this on, for example, line 114 of the display 102 in FIG. 1. ***The next step is selecting one of modes of communication.*** Only one action is required by the user of the mobile station to select the desired mode of communication. This is done by, for example, pressing the PTT button, the off-hook button, or a soft key. The act of pushing a button is regard as a single action, and means that the user does not have to push multiple buttons, and a mode button several times to select the desired mode.

Girard et al., Para. 13 (emphasis added). The text goes on to state that the phone could be equipped with a voice recognition means, and can receive a single voice command to engage the desired mode of communication. That does not teach selection of a transmission mode via a dialing string either.

Accordingly, since Girard does not use a dialing string to select a transmission mode, but rather relies on the pressing of physical button such PTT, off –hook, or a dedicated soft key, Girard in combination with Knauerhase et al. does not in fact teach or suggest the features of claim 1. Claim 1 is not rendered obvious over the reference. Similarly, claims dependent from claim 1 are also not rendered obvious by virtue of claim dependency.

Independent claim 6 is directed to a method of selecting a transmission mode for a call between a wireless telephone and a remotely located receiver, the wireless

telephone having a first transceiver for communication in accordance with a first communication mode and a second transceiver for communication in accordance with a second communication mode, said first communication mode comprising a cellular telephony mode and said second communication mode being a local, free, non-cellular wireless communication mode. The method includes steps of receiving a dialing string from a user of the telephone for initiation of said call, *detecting attributes of said dialing string indicating that the user intends the call to be sent in accordance with said second transmission mode (local, free, non-cellular)* and obtaining, either directly or indirectly, from said dialing string an identity of the receiver in accordance with said second communication mode.

Thus, claim 6 contemplates a method by which *the dialing string* contains attributes that identify that the user intends a call to be sent in accordance with a particular non-cellular, local transmission mode, e.g., Bluetooth. As noted above, Knauerhase et al. is silent on the user of dialing strings as a method by which a user operating a wireless telephone can select a particular transceiver. Girard et al. does not teach or suggest that one should use a dialing string to select a transceiver. Rather, Girard makes the user go to the extra step of pressing either the send button 110, PTT button 108 or one of the soft keys 104 or 106 to activate a particular transmission mode.

Since Girard et al. specifically teaches that entering a dialing string does not constitute the act that is used to identify a transmission mode, and specifically requires a further physical act of pressing a button (or perhaps speaking a voice command such as "PTT" or "CHAT"), it is clear that Girard in combination with Knauerhase does not

render the subject mater of claim 6 obvious. The rejection of claim 6 and claims dependent there from should be withdrawn.

§ 103 Rejection of Claims 4 and 9

Claims 4 and 9 were rejected as obvious over Knauerhase in view of Girard and further in view of Malackowski et al., U.S. 6,411,803. The Examiner cites to Malackowski et al. for a teaching of a dialing string with * or #. Malackowski et al. is cumulative to Figure 1 of Girard, showing a dialing string of 123XYZ#*. Malackowski et al.'s wireless device uses conventional cellular telephony to communicate with a wireless network. See col. 4 lines 15 et seq. The user of the Malackowski et al. system does not make a selection of which transceiver mode to use by means of a dialing string, as the reference does not contemplate a user making any such selection. The access codes of Malackowski et al. (e.g., # 500) are used to identify a particular advertiser (see Summary at col. 2). As such, neither Malackowski et al., Girard et al. nor Knauerhase et al. teach or suggest the subject matter of independent claims 1 and 6. Accordingly, since the independent claims are not rendered obvious thereover, claims 4 and 9 should likewise be found patentable thereover.

Reconsideration and allowance of the application is requested.

Respectfully submitted.

McDonnell Boehnen Hulbert & Berghoff LLP

Date: 1/3/06 By: Thomas A. Fairhall

Thomas A. Fairhall
Reg. No. 34591

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago IL 60606
360 379 6514

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The undersigned hereby certifies that the foregoing Amendment is being deposited as first class mail, postage prepaid, in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on this 3rd day of January, 2006.

Thomas A. Fairhall